

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

JOHN COREY FRASER, et al., on behalf of )  
themselves and all others similarly situated as )  
a Class, )  
Plaintiffs, )  
v. ) Civil Action No. 3:22CV00410  
BUREAU OF ALCOHOL, TOBACCO, )  
FIREARMS, AND EXPLOSIVES, et al., )  
Defendants. )

**DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT**

Defendants the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Steven Dettelbach in his official capacity as Director of ATF, and Merrick Garland in his official capacity as Attorney General of the United States (hereinafter Defendants)<sup>1</sup> hereby answer the First Amended Complaint (ECF No. 18) filed by Plaintiffs as follows, in correspondingly numbered paragraphs.

1. This paragraph consists of Plaintiffs' description of the lawsuit and arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

<sup>1</sup> The First Amended Complaint also appears to raise claims against Director Dettelbach and Attorney General Garland in their individual capacities. The undersigned counsel represents only the agencies of the United States and federal officers sued in their official capacities. The undersigned counsel does not represent officers sued in their individual capacities, and this answer is submitted only on behalf of ATF and federal officers sued in their official capacities. For simplicity, this answer uses the term “Defendants” to refer to this group of defendants, excluding Defendants Dettelbach and Garland in their individual capacities. To undersigned counsel’s knowledge, Plaintiffs have not served Director Dettelbach and Attorney General Garland in their individual capacities in accordance with Federal Rule of Civil Procedure 4(i)(3); those individuals would have sixty days after the completion of service in which to file a response to the First Amended Complaint under Federal Rule of Civil Procedure 12(a)(3).

2. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited judicial opinion for a complete and accurate statement of its contents.
3. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
4. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
5. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited judicial opinion and statutes for a complete and accurate statement of their contents.
6. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
7. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
8. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
11. This paragraph consists of Plaintiffs' description of the lawsuit, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
12. Admit.

13. Admit.

14. Admit.

15. This paragraph consists of Plaintiffs' definition of terms within the Complaint, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

16. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

17. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

18. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

19. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

20. This paragraph consists of Plaintiffs' description of this lawsuit, definition of terms within the Complaint, and definition of the proposed class, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

21. This paragraph consists of Plaintiffs' description of the lawsuit and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

22. This paragraph consists of Plaintiffs' description of the lawsuit and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

23. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

24. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

25. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
26. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
27. This paragraph consists of Plaintiffs' description of the lawsuit and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited judicial opinion for a complete and accurate statement of its contents.
28. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
29. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
30. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
31. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.
32. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited judicial opinions for a complete and accurate statement of their contents.
33. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited statute for a complete and accurate statement of its contents.

34. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited statutes for a complete and accurate statement of their contents.

35. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited regulations and documents for a complete and accurate statement of their contents.

36. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited statutes for a complete and accurate statement of their contents.

37. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited statutes for a complete and accurate statement of their contents.

38. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny. Defendants refer the Court to the cited statute for a complete and accurate statement of its contents.

39. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

40. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

42. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

43. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
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48. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
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50. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
51. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.
54. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

55. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

56. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

57. Defendants admit that federally licensed firearms dealers are the only source of previously unowned commercially produced firearms and ammunition.

58. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

59. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

60. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

61. Defendants incorporate their response to paragraphs 1–60.

62. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

63. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

64. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

65. Defendants incorporate their response to paragraphs 1–64.

66. This paragraph consists of Plaintiffs' characterization of the law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

67. This paragraph consists of Plaintiffs' arguments and conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

68. This paragraph consists of Plaintiffs' conclusions of law, not allegations of fact, so no response is required. To the extent a response is deemed required, deny.

The remaining paragraphs of the Complaint contain Plaintiffs' requested relief, to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiffs are entitled to the requested relief, or to any relief whatsoever. Defendants also deny all allegations in the Complaint not expressly admitted or denied.

Dated: November 30, 2022

Respectfully submitted,

JESSICA D. ABER  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of November, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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